

2022 Jan-19 AM 11:24
U.S. DISTRICT COURT
N.D. OF ALABAMA

EEOC Form 161-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Callie Walter**
28 Mickens Road
Brierfield, AL 35035From: **Birmingham District Office**
Ridge Park Place
1130 22nd Street South
Birmingham, AL 35205☐On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

420-2021-00759**ANDRE D. WILLIAMS,**
Investigator**(205) 651-7015**

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☐The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible**.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

SHERI GUENSTERDigitally signed by SHERI GUENSTER
Date: 2021.10.29 08:45:47 -05'00'

Enclosures(s)

/for **BRADLEY A. ANDERSON,**
District Director

(Date Issued)

cc: **AGC Automotive**
c/o Toni Pierce
HR/EHS Manager
101 Total Solutions Way
Alabaster, AL 35007

Enclosure with EEOC
Form 161-B (11/2020)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** – *not* 12/1/10 – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Enclosures(s)

cc:

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 420-2021-00759	
_____ and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) MS. CALLIE WALTER		Home Phone (205) 809-2727	Year of Birth
Street Address City, State and ZIP Code 28 MICKENS ROAD, BRIERFIELD, AL 35035			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name AGC AUTOMOTIVE AMERICAS		No. Employees, Members 15 - 100	Phone No. (205) 685-1000
Street Address City, State and ZIP Code 101 TOTAL SOLUTIONS WAY, ALABASTER, AL 35007			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 12-14-2020 01-20-2021 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I am a female who made a protected complaint. I was assigned to work for the above-named employer on or around October 2020 as a Production employee. I do not work for the employer anymore, having discharged on February 22, 2021. On December 14, 2020, Chris LNU (male), a coworker on Production, grabbed my vagina and buttocks as he left the bathroom and I went inside. Mr. Chris grabbing was unwanted and unwelcome. I reported the incident to my team captain, Latrell LNU (female). Ms. Latrell then spoke with Mr. Chris and other employees. Soon after, other employees began talking and laughing. I then reported the incident to Mr. Chris team captain, Trisha Wilkes (female). Ms. Wilkes spoke to Mr. Chris and made him apologize. By December 15, 2020, the incident had reached Human Resources, and HR Representative Glen LNU (male) had called me to his office to discuss the event. Later that same day, I had told Mr. Carrie LNU (male), a long-time employee and Mr. Chris uncle, about what had happened. Though Mr. Carrie told Mr. Chris, his nephew, to apologize to me again, Mr. Carrie also began telling others in the workplace. Mr. Glen also avoided speaking with me, sending messages through other employees. I felt that no one was taking			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally signed by Callie Walter on 04-06-2021 10:56 AM EDT		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**420-2021-00759**

and EEOC

*State or local Agency, if any***the incident seriously.**

On or around late December 2020 and early January 2021, the employer allegedly investigated the incident. The employer suggested that I reassign to another plant or not speak to Mr. Chris while in the same work space. I was surprised that I was being asked to reassign while Mr. Chris was not disciplined for his actions. At the same time, other coworkers no longer wanted to work with me, contributing to a hostile work environment.

I believe I was discriminated against because of my sex, female, and retaliated against for making a protected complaint, both in violation of Title VII of The Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Digitally signed by Callie Walter on 04-06-2021
10:56 AM EDT**

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

- 1. FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
- 2. AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
- 3. PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
- 4. ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
- 5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an

investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

Callie Walter
28 Mickens Road
Brierfield, AL 35035
205-809-2727

December 29, 2020

AGC Automotive Americas
Attn: Human Resources –
101 Total Solutions Way
Alabaster, AL 35007

via CERTIFIED MAIL

Re: Sexual Misconduct Report

Dear Sir or Madam:

Please accept this letter as a formal complaint of misconduct by Christopher, (last name unknown), who made intentional contact with my buttocks while performing duties in your company facility. I confidentially reported the matter to my Team Captain – Latrell of the situation. I truly have verification and knowledge of my reported incident being shared with other employees, instead of properly addressing the matter.

I will acknowledge that Ms. Trisha Wilks did speak with the individual (Christopher), who subsequently approached me and apologized. This is unacceptable behavior. Since report of the matter, I have been subjected to questions by co-workers and management, along with a hostile work environment.

I am a temporary employee assigned by ONIN Staffing, who I have also contacted, Karen regarding this same matter. My job is vital for survival and I should not be accountable for others misconduct, nor be subjected to sexual harassment at work. I will seek full actions and immunity from further situations. I am an approachable person and deserves respect. Please refer this matter to your legal department. I will continue to refrain from contact with this individual and pray you address this matter immediately. In addition, my work ethics nor performance shall be affected.

Thanks in advance for your cooperation and request that this matter remain confidential. There are additional facts related to this matter.

Yours truly,


Callie Walter

CC: ONIN Staffing – via CERTIFIED Mail
Job Recruiter – Karen
1110 15th Street Suite K
Tuscaloosa, AL 35401

Callie Walter
28 Mickens Road
Brierfield, AL 35035
205-809-2727

January 4, 2021

ONIN Staffing
Attn: Jennifer Thomas
4770 Eastern Valley #101
McCalla, AL 35111

Re: AGC Automotive Job Conflict

Dear Ms. Jennifer:

As we discussed earlier, I want you to be aware of the specifics as it relates to the incident that occurred on December 14, 2020 at AGC involving an individual, Christopher. I previously informed you that I have not been advised of a meeting with Human Resources to date. In my previous and last discussion with Toni Pierce she advised that she would resume investigations into this matter on January 4, 2021, when the plant resumed operations. I then indicated my lack of security and the hostile environment, which she assured we were not to be in contact. That's not satisfactory.

You confirmed this morning, that the incident was reported to you and not Karen as I previously stated. I wrote a statement for Mr. Glen the day it happened, after which I urinated on myself because I was afraid, just as I am to date. I get nauseated whenever I come to work. I did it as long as I could without proper handling of the matter. I did not receive a response from management until I initiated contact via my letter. I have text messages, and inboxed messages on Messenger from other staff who's aware of the situation via the AGC rumor mill. Everyone is making it appear as if I have committed an offense, when Christopher violated me. I am very uncomfortable and afraid to work at this facility.

Please re-assign me. My work ethics and need for wages will not change. Can you please confirm the time of the meeting since I have yet to hear from Human Resources, I will also fax a copy of this statement. Please also confirm if any points were taken or notated to my time sheet for December 14, 2020, when Glen allowed me to leave after soiling my clothes from writing that statement. I left after 3:05 a.m. and returned around 4:15 p.m. I need this documentation for my records.

I truly appreciate your concern and assistance with this matter. Had I known my previous written statement had not been provided to you prior to our conversation to date, this would have been done before today. It is my utmost concern to maintain my integrity and my sanity for my best interests, and your help is needed. Thanks and I look forward to hearing from you soon.

Yours truly, *Callie Walter*

CALLIE WALTER
28 MICKENS ROAD
BRIERFIELD, AL 35035

Monday, June 14, 2021

FILE COPY

06/15/2021 .

uploaded per
J.G.

Mr. Steven Garcia-Reyes
Equal Employment Opportunity Commission
Birmingham District Office
Ridge Park Place
1130 22nd Street, Suite 2000
Birmingham, AL 35205

RE: Callie Walter v. Onion Staffing, LLC
EEOC Charge No. 420-2021-01495

Dear Mr. Garcia-Reyes:

I hereby acknowledge receipt of the letter dated, May 25, 2021 from Mr. Warren B. Lightfoot, Jr. with Maynard Cooper Cale. Please know that I hereby dispute certain allegations indicated in the body of this letter. Namely – Factual Background:

1. In response to the apology - FALSE. Audio recording will support Trisha Wilks advised Martin to apologize for his actions, which was done. In addition, Christopher's uncle (Glen, AGC employee) sent me a text message, advising that he would have Christopher, his nephew, to apologize, as well. Proof of text messages can be provided.
2. The accusation of my delayed response – UNTRUE. I returned calls in a timely manner to the Human Resource Representative. However, I never got a returned call, however, when I sent a Certified Mail correspondence, I received a returned a call. That's when action was taken. I have not retained legal representation. I only filed a claim with EEOC.
3. In response to AGC not being able to substantiate my allegations – UNTRUE. I suggested the viewing of the surveillance camera, inside the plant area, where the "ACT" occurred. However, I was advised the camera could not pick up in that area.
4. No Call/No Show – False. In respect to my employment status for the new assignment (testing others for the virus) with ONIN, I texted Ms. Jennifer Thomas and said, "I

Steven Garcia-Reyes
Equal Employment Opportunity Commission
Birmingham District Office
Ridge Park Place
1130 22nd Street, Suite 2000
Birmingham, AL 35205
June 14, 2021
Page -2-

4. (Continued)
would not be returning, because of me having been tested positive for the COVID-19 Virus and because of that, I transmitted it to my daughter."
5. As far as the legal analysis- UNTRUE. I never filed a claim nor alleged "Sex Discrimination" against ONIN. Therefore, my issue with ONNI, they failed to remove me from a hostile and unsafe environment in a timely manner. Furthermore, my issues were raised in my complaint, as well as, addressed in all my correspondences sent to both parties. Please know my allegations are true and consistent.

In conclusion, I hereby state, AGC allowed Christopher Martin to use "Paid Time Off" during the investigation period and was also reprimanded/suspended as a result of the investigation, per Ms. Trisha Wilks. This audio can also be provided, upon request.

Thanks in advance for your kind consideration. If additional information is needed, please do not hesitate to ask.

Sincerely,

Callie Walter

cc: Warren B. Lightfoot, Jr.